

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEN SONG,

Plaintiff,

-against-

05 Civ. 8132 (LAK)

JOHN E. POTTER, POSTMASTER GENERAL,

Defendant.
----- x

BEN SONG,

Plaintiff,

-against-

06 Civ. 0904 (LAK)

JOHN E. POTTER, POSTMASTER GENERAL,

Defendant.
----- x

ORDER

LEWIS A. KAPLAN, *District Judge*.

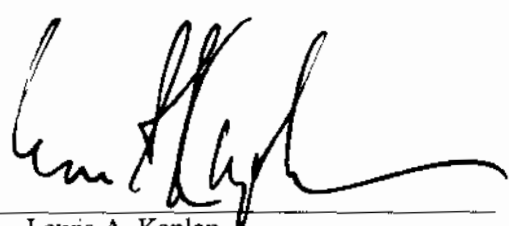
In a thorough and carefully report and recommendation dated, February 13, 2008, Magistrate Judge Theodore H. Katz recommended that defendant's motion for summary judgment dismissing the complaint in these actions be granted. Plaintiff objects.

I have reviewed the report and recommendation and the objections. I find no error of fact or law. If I have any difference at all with Judge Katz, it is that I treat plaintiff's failure to comply with Local Civil Rule 56.1 in responding to defendant's Rule 56.1 Statement to admit the averments contained in the latter to the extent that they are supported by admissible evidence, although I too would consider plaintiff's additional allegations, likewise to the extent they are supported by admissible evidence.

Accordingly, the motion for summary judgment dismissing the complaints in these actions is granted. The Clerk shall close the cases.

SO ORDERED.

Dated: March 3, 2008



Lewis A. Kaplan
United States District Judge